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Measures to eliminate international terrorism

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the sixtieth session of the General Assembly pursuant to its resolution 59/46 of 2 December 2004.

2. At its 17th plenary meeting, on 20 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 3rd to 6th, 10th and 23rd meetings, on 6, 7, 10 and 21 October and on 29 November 2005. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/60/SR.3-6, 10 and 23).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;[1]

(b) Report of the Secretary-General on measures to eliminate international terrorism (A/60/228 and Add.1);

(c) Report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism (A/60/164);

(d) Report of the Working Group on measures to eliminate international terrorism (A/C.6/60/L.6);

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 37* (A/60/37).

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(e) Proposal to facilitate discussion by the Friends of the Chairman of the Working Group on measures to eliminate international terrorism: proposed addition to article 18 of the draft comprehensive convention on international terrorism (A/C.6/60/INF/1);

(f) Proposal to facilitate discussion by the Friends of the Chairman of the Working Group on measures to eliminate international terrorism: proposed preambular paragraph of the draft comprehensive convention on international terrorism (A/C.6/60/INF/2);

(g) Letter dated 3 August 2005 from the Chairman of the Sixth Committee to the President of the General Assembly (A/59/894);

(h) Letter dated 13 July 2005 from the representative of Kazakhstan to the Secretary-General (A/60/129);

(i) Letter dated 1 September 2005 from the representative of Egypt to the Secretary-General (A/60/329);

(j) Letter dated 6 September 2005 from the representative of the Russian Federation to the Secretary-General (A/60/336);

(k) Letter dated 17 September 2005 from the representative of Bahrain to the Secretary-General (A/60/388-S/2005/612);

(l) Identical letters dated 26 September 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the Secretary-General and to the President of the Security Council (A/60/382-S/2005/609);

(m) Identical letters dated 27 September 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the Secretary-General and to the President of the Security Council (A/60/385-S/2005/610);

(n) Note verbale dated 28 September 2005 from the Permanent Mission of Madagascar to the Secretary-General (A/60/403-S/2005/621);

(o) Letter dated 29 September 2005 from the representative of the Republic of Moldova to the Secretary-General (A/60/405-S/2005/623);

(p) Letter dated 29 September 2005 from the representative of the Bolivarian Republic of Venezuela to the Secretary-General (A/60/406-S/2005/624);

(q) Letter dated 30 September 2005 from the representative of Egypt to the Chairman of the Sixth Committee (A/C.6/60/2);

(r) Letter dated 30 September 2005 from the representative of Cuba to the Secretary-General (A/60/408-S/2005/626);

(s) Letter dated 5 October 2005 from the Chairman of the Organization of the Islamic Conference to the Chairman of the Sixth Committee (A/C.6/60/3);

(t) Identical letters dated 17 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the Secretary-General and the President of the Security Council (A/60/435-S/2005/655);

(u) Letter dated 17 October 2005 from the representative of Yemen to the Secretary-General (A/60/440 and Corr. 2-S/2005/658 and Corr. 2);

(v) Letter dated 21 October 2005 from the representative of Spain to the Secretary-General (A/60/447);

(w) Identical letters dated 27 October 2005 from the representative of Israel to the Secretary-General and the President of the Security Council (A/60/448-S/2005/680);

(x) Identical letters dated 27 October 2005 from the representative of Israel to the Secretary-General and the President of the Security Council (A/60/449-S/2005/681);

(y) Letter dated 1 November 2005 from the representative of Cuba to the Secretary-General (A/60/531);

(z) Letter dated 3 November 2005 from the representative of Cuba to the Secretary-General (A/60/538-S/2005/700);

(aa) Identical letters dated 21 November 2005 from the representative of Israel to the Secretary-General and the President of the Security Council (A/60/563-S/2005/731).

5. Pursuant to paragraph 19 of General Assembly resolution 59/46, the Committee, at its 1st meeting, on 3 October, established a working group with a view to finalizing the draft comprehensive convention on international terrorism and to keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. At the same meeting, the Committee re-elected Rohan Perera (Sri Lanka) as the Chairman of the Working Group (A/C.6/60/SR.1). The Working Group held three plenary meetings, on 10, 12 and 14 October.

6. At the 3rd and 10th meetings, on 6 and 21 October, the Chairman of the Ad Hoc Committee established pursuant to General Assembly resolution 51/210 and the Working Group introduced the reports of the Ad Hoc Committee and of the Working Group, respectively (see A/C.6/60/SR.3 and 10).

II. Consideration of draft resolution A/C.6/60/L.12

7. At the 23rd meeting, on 29 November, the representative of Poland, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/60/L.12).

8. At the same meeting, the Secretary of the Committee made a statement regarding the programme budget implications of the draft resolution (see A/C.6/60/SR.23).

9. Also at the same meeting, the Committee adopted draft resolution A/C.6/60/L.12 without a vote (see para. 10).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[1]

Recalling also the United Nations Millennium Declaration,[2]

Recalling further the 2005 World Summit Outcome, and reaffirming in particular the section on terrorism,[3]

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210 of 17 December 1996,

Recalling also all General Assembly resolutions on measures to eliminate international terrorism, and Security Council resolutions on threats to international peace and security caused by terrorist acts,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of the latter resolution,

Recalling the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and adopt such measures

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[1] See resolution 50/6.

[2] See resolution 55/2.

[3] See resolution 60/1.

in accordance with international law, in particular international human rights, refugee and humanitarian law,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and dialogue among civilizations, and enhancing interfaith and intercultural understanding, are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

Reaffirming that no terrorist act can be justified in any circumstances,

Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Taking note of the Final Document of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Kuala Lumpur on 25 February 2003,[4] which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed the previous initiative of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held in Durban, South Africa, from 29 August to 3 September 1998,[5] calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, as well as other relevant initiatives,

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[4] A/57/759-S/2003/332, annex I.

[5] See A/53/667-S/1998/1071, annex I, paras. 149-162.

Bearing in mind the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003 and 59/46 of 2 December 2004 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Aware of its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003 and 59/191 of 20 December 2004,

Having examined the report of the Secretary-General,[6] the report of the Ad Hoc Committee established by resolution 51/210[7] and the report of the Working Group of the Sixth Committee established pursuant to resolution 59/46,[8]

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of resolution 51/210;

4. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

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[6] A/60/228 and Add.1. See also A/60/164.

[7] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 37* (A/60/37).

[8] A/C.6/60/L.6.

7. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Security Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

8. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

9. *Welcomes* the adoption and opening for signature of the International Convention for the Suppression of Acts of Nuclear Terrorism,[9] and notes the adoption of the Amendment to the Convention on the Physical Protection of Nuclear Material,[10] the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[11] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[12] and urges all States to consider, as a matter of priority, becoming parties to these instruments;

10. *Urges* all States that have not yet done so to consider, as a matter of priority, and in accordance with Security Council resolutions 1373 (2001), and 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[13] the International Convention for the Suppression of the Financing of Terrorism[14] and the International Convention for the Suppression of Acts of Nuclear Terrorism, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

11. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 10 above;

12. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraph 9 of resolution 59/46, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

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[9] Resolution 59/290, annex.

[10] Adopted on 8 July 2005 by the Conference to Consider Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

[11] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

[12] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[13] Resolution 52/164, annex.

[14] Resolution 54/109, annex.

13. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, and calls upon all States to implement them;

14. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

15. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

16. *Requests* the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of Acts of Nuclear Terrorism, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

17. *Welcomes* the publication by the Secretariat, as part of the United Nations Legislative Series, of the second volume of *National Laws and Regulations on the Prevention and Suppression of International Terrorism*,[15] prepared by the Codification Division of the Office of Legal Affairs of the Secretariat pursuant to paragraph 10 (b) of the Declaration on Measures to Eliminate International Terrorism;

18. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

19. *Requests* the Secretary-General to submit proposals to strengthen the capacity of the United Nations system to assist States in combating terrorism and enhance coordination of United Nations activities in this regard;

20. *Notes* the progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee established pursuant to General Assembly resolution 59/46, and welcomes continuing efforts to that end;

21. *Decides* that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism, and shall continue to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

22. *Decides also* that the Ad Hoc Committee shall meet from 27 February to 3 March 2006 in order to fulfil the mandate referred to in paragraph 21 above;

23. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

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[15] ST/LEG/SER.B/23 and 24.

24. *Requests* the Ad Hoc Committee to report to the General Assembly at its sixtieth session in the event of the completion of the draft comprehensive convention on international terrorism;

25. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixty-first session on progress made in the implementation of its mandate;

26. *Welcomes* any update by the Secretary-General of the comprehensive inventory of the response of the Secretariat to terrorism as part of his report on measures to eliminate international terrorism;

27. *Decides* to include in the provisional agenda of its sixty-first session the item entitled "Measures to eliminate international terrorism".